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May 15, 2013

VIA E-MAIL ONLY

The Honorable Jesse M. Furman
United States District Judge
United States District Court
40 Centre Street
New York, NY 10007

Re: Todd Kreisler v. Park Pizza, Inc, et al.
Case Number: 13cv1646 (JMF)

Dear Judge Furman:

The Plaintiff, Todd Kreisler, and Defendant, Park Pizza, Inc., by and through their undersigned counsel, submit this joint letter and proposed civil case management plan and scheduling in accordance with the directives of the Court.

1. **Brief description of case:** This is an action pursuant to Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181 *et seq.* (the "ADA"), the New York City Human Rights Law (N.Y.C. Admin Code § 8-107) and the New York State Human Rights Law (N.Y. Exec. Law § 296). The Plaintiff, Todd Kreisler, who requires a motorized wheelchair for mobility, was denied full and equal access to the benefits, accommodations and services within the restaurant known as Pizza Park, located at 1233 First Avenue, New York, New York ("the Property"), due to physical barriers which exist at the facility. The Plaintiff seeks, inter alia, an Order requiring the Defendants to make all necessary modifications to the business to eliminate all barriers that prevent access by individuals with mobility impairments.

2. **Jurisdiction:** This Court is vested with original jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343. The New York City and New York State claims are properly before this Court under the Court's supplemental jurisdiction. 28 U.S.C. § 1367. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391(b) in that all events giving rise to this lawsuit occurred in New York County, New York. The defendants are Park Pizza, Inc. d/b/a Pizza Park, the lessee of the ground floor of the Property, and Fizzbin, LLC, the owner and lessor of the Property. Park Pizza, Inc. is incorporated in New York, New York, and its principal place of business is 1233 First Avenue, New York, New York. Fizzbin, LLC is a New York limited liability company and is incorporated in New York State. Upon information Fizzbin, LLC's principal place of business is in Westchester County, New York.

3. **Existing deadlines, due dates and/or cut-off dates:** Fizzbin, LLC's Answer to the Amended Complaint was due on or before May 13, 2013.

4. **Outstanding motions:** None.

5. **Discovery:** No discovery has taken place to date.

6. **Settlement discussions:** Counsel for Plaintiff and Counsel for defendant Park Pizza, Inc. discussed settlement telephonically on April 22, 2013 with an approximate duration of ten minutes, April 24, 2013 within an approximate duration of ten minutes, and May 9, 2013 with an approximate duration of five minutes.

7. **Other information:** The parties are presently engaged in settlement discussions.

Dated: New York, New York
May 15, 2013

Respectfully submitted,

/s/ Adam T. Shore
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